Company Tracking Number: 08-HPR-9003F

TOI: 05.1 Commercial Multi-Peril - Non-Liability Sub-TOI: 05.1000 CMP Sub-TOI Combinations

Portion Only

Product Name: Highly Protected Risks

Project Name/Number: TRIPRA Endorsements and Rules/08-HPR-9003f

Filing at a Glance

Company: Sompo Japan

Product Name: Highly Protected Risks SERFF Tr Num: SMPJ-125586570 State: Arkansas

TOI: 05.1 Commercial Multi-Peril - Non-Liability SERFF Status: Closed State Tr Num: #83327 \$50

Portion Only

Sub-TOI: 05.1000 CMP Sub-TOI Combinations Co Tr Num: 08-HPR-9003F State Status: Fees verified and

received

Filing Type: Form Co Status: Reviewer(s): Betty Montesi,

Llyweyia Rawlins, Brittany Yielding

Author: Mary Lynn Teel Disposition Date: 04/07/2008

Date Submitted: 03/31/2008 Disposition Status: Approved

Effective Date Requested (New): On Approval

Effective Date (New): 04/07/2008

Effective Date Requested (Renewal): On Approval Effective Date (Renewal):

04/07/2008

State Filing Description:

General Information

Project Name: TRIPRA Endorsements and Rules

Status of Filing in Domicile: Pending

Project Number: 08-HPR-9003f

Domicile Status Comments: N/A

Project Number: 08-HPR-9003f Domicile Status Comments: N/A Reference Organization: N/A Reference Number: N/A

Reference Organization: N/A Reference Number: N/A Advisory Org. Circular: N/A

Filing Status Changed: 04/07/2008

State Status Changed: 04/07/2008 Deemer Date:

Corresponding Filing Tracking Number: 08-HPR-9003r

Filing Description:

We are submitting the following independent optional Terrorism endorsements to be used with our Highly Protected

Risks (HPR) Program, currently on file with your department:

Revised endorsements:

Company Tracking Number: 08-HPR-9003F

TOI: 05.1 Commercial Multi-Peril - Non-Liability Sub-TOI: 05.1000 CMP Sub-TOI Combinations

Portion Only

Product Name: Highly Protected Risks

Project Name/Number: TRIPRA Endorsements and Rules/08-HPR-9003f

•SHPR 02 007 (01-2008 ed.) ~ Cap On Losses From Certified Acts of Terrorism. This endorsement is revised from our 1202 edition to reflect the revised criteria for certification of an act of terrorism and reinforce the \$100 billion cap.

New Endorsements:

- •SHPR 02 009 (01-2008 ed.) ~ Exclusion of Certified Acts of Terrorism
- •SHPR 02 059 (01-2008 ed.) ~ Disclosure Pursuant to Terrorism Risk Insurance Act
- •SHPR 02 061 (01-2008 ed.) ~ Amendment Delete Provisions Regarding Certain Acts of Terrorism (Applicable To Crime/Fidelity Only)

The wording in our endorsements tracks with language developed by the Insurance Services Office, Inc. (ISO).

Our companion rating rule has been submitted under a separate cover letter.

In accordance with the recent NAIC Model Bulletin for TRIPRA and/or your state bulletin, this filing is submitted under "file and use" guidelines.

Enclosed please find the Expedited Filing Transmittal Document for Terrorism Risk Insurance Forms and Pricing and a copy of the endorsements for your review.

We respectfully request your earliest acknowledgment of this submission.

Company and Contact

Filing Contact Information

Mary Lynn Teel, State Filings Analyst mteel@sompo-japan-us.com 13850 Ballantyne Corporate Place (704) 759-2158 [Phone] Charlotte, NC 28277-2711 (704) 759-2542[FAX]

Filing Company Information

Sompo Japan CoCode: 11126 State of Domicile: New York

2 WFC, 43rd Floor Group Code: 3219 Company Type:

225 Liberty St

Company Tracking Number: 08-HPR-9003F

TOI: 05.1 Commercial Multi-Peril - Non-Liability Sub-TOI: 05.1000 CMP Sub-TOI Combinations

Portion Only

Product Name: Highly Protected Risks

Project Name/Number: TRIPRA Endorsements and Rules/08-HPR-9003f

New York, NY 10281 Group Name: State ID Number:

(212) 416-1200 ext. [Phone] FEIN Number: 13-2554270

Company Tracking Number: 08-HPR-9003F

TOI: 05.1 Commercial Multi-Peril - Non-Liability Sub-TOI: 05.1000 CMP Sub-TOI Combinations

Portion Only

Product Name: Highly Protected Risks

Project Name/Number: TRIPRA Endorsements and Rules/08-HPR-9003f

Filing Fees

Fee Required? Yes

Fee Amount: \$50.00

Retaliatory? No

Fee Explanation: \$50.00 Forms

Per Company: No

CHECK NUMBER CHECK AMOUNT CHECK DATE

83327 \$50.00 03/20/2008

Company Tracking Number: 08-HPR-9003F

TOI: 05.1 Commercial Multi-Peril - Non-Liability Sub-TOI: 05.1000 CMP Sub-TOI Combinations

Portion Only

Product Name: Highly Protected Risks

Project Name/Number: TRIPRA Endorsements and Rules/08-HPR-9003f

Correspondence Summary

Dispositions

Status	Created By	Created On	Date Submitted
Approved	Llyweyia Rawlins	04/07/2008	04/07/2008

Company Tracking Number: 08-HPR-9003F

TOI: 05.1 Commercial Multi-Peril - Non-Liability Sub-TOI: 05.1000 CMP Sub-TOI Combinations

Portion Only

Product Name: Highly Protected Risks

Project Name/Number: TRIPRA Endorsements and Rules/08-HPR-9003f

Disposition

Disposition Date: 04/07/2008

Effective Date (New): 04/07/2008 Effective Date (Renewal): 04/07/2008

Status: Approved

Comment:

Rate data does NOT apply to filing.

Company Tracking Number: 08-HPR-9003F

TOI: 05.1 Commercial Multi-Peril - Non-Liability Sub-TOI: 05.1000 CMP Sub-TOI Combinations

Portion Only

Product Name: Highly Protected Risks

Project Name/Number: TRIPRA Endorsements and Rules/08-HPR-9003f

•	·		
Item Type	Item Name	Item Status	Public Access
Supporting Document	Uniform Transmittal Document-Property Casualty	&Approved	Yes
Form	CAP ON LOSSES FROM CERTIFIED ACTS OF TERRORISM	Approved	Yes
Form	EXCLUSION OF CERTIFIED ACTS OF TERRORISM	Approved	Yes
Form	DISCLOSURE PURSUANT TO TERRORISM RISK INSURANCE ACT	Approved	Yes
Form	AMENDMENT - DELETE PROVISIONS REGARDING CERTAIN ACTS OF TERRORISM (APPLICABLE TO CRIME/FIDELITY ONLY)	Approved	Yes

Company Tracking Number: 08-HPR-9003F

TOI: 05.1 Commercial Multi-Peril - Non-Liability Sub-TOI: 05.1000 CMP Sub-TOI Combinations

Portion Only

Product Name: Highly Protected Risks

Project Name/Number: TRIPRA Endorsements and Rules/08-HPR-9003f

Form Schedule

Review Status	Form Name	Form #	Edition Date	Form Type Action	Action Specific Data	Readability	Attachment
Approved	CAP ON LOSSES FROM CERTIFIED ACTS OF TERRORISM	SHPR 02 007	01-2008	Endorseme Replaced nt/Amendm ent/Conditi ons	Replaced Form # SHRP 02 007 (Ed. 12/02) Previous Filing #: No Filing Required		SHPR 02 007 01 08.pdf SHPR 02 007 side x side final.pdf
Approved	EXCLUSION OF CERTIFIED ACTS OF TERRORISM	SHPR 02 009	01-2008	Endorseme New nt/Amendm ent/Conditi ons		0.00	SHPR 02 009 01 08.pdf
Approved	DISCLOSURE PURSUANT TO TERRORISM RISK INSURANCE ACT	SHPR 02 059	01-2008	Endorseme New nt/Amendm ent/Conditi ons		0.00	SHPR 02 059 01 08.pdf
Approved	AMENDMENT - DELETE PROVISIONS REGARDING CERTAIN ACTS OF TERRORISM (APPLICABLE TO CRIME/FIDELITY ONLY)	061	01-2008	Endorseme New nt/Amendm ent/Conditi ons		0.00	SHPR 02 061 01 08.pdf

CAP ON LOSSES FROM CERTIFIED ACTS OF TERRORISM

This endorsement modifies insurance provided under the following:

COMPREHENSIVE ALL RISK FORM C-AR-GC

A. Cap On Certified Terrorism Losses

"Certified act of terrorism" means an act that is certified by the Secretary of the Treasury, in concurrence with the Secretary of State and the Attorney General of the United States, to be an act of terrorism pursuant to the federal Terrorism Risk Insurance Act. The criteria contained in the Terrorism Risk Insurance Act for a "certified act of terrorism" include the following:

- The act resulted in insured losses in excess of \$5 million in the aggregate, attributable to all types of insurance subject to the Terrorism Risk Insurance Act; and
- 2. The act is a violent act or an act that is dangerous to human life, property or infrastructure and is committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

If aggregate insured losses attributable to terrorist acts certified under the Terrorism Risk Insurance Act exceed \$100 billion in a Program Year (January 1 through December 31) and we have met our insurer deductible under the Terrorism Risk Insurance Act, we shall not be liable for the payment of any portion of the amount of such losses that exceeds \$100 billion, and in such case insured losses up to that amount are subject to pro rata allocation in accordance with procedures established by the Secretary of the Treasury.

B. Application Of Exclusions

The terms and limitations of any terrorism exclusion, or the inapplicability or omission of a terrorism exclusion, do not serve to create coverage for any loss which would otherwise be excluded under this Coverage Part or Policy, such as losses excluded by the Nuclear Hazard Exclusion or the War And Military Action Exclusion.

SOMPO JAPAN INSURANCE COMPANY OF AMERICA SHPR 02 007 (12 02) Page 1 of 1 This endorsement changes the policy

CERTIFIED TERRORISM LOSS

PLEASE READ THIS CAREFULLY --

1. The following definitions are added.

CAP ON LOSSES FROM CERTIFIED ACTS OF TERRORISM

- a. "Certified act of terrorism" means an act that is certified by the Secretary of the Treasury, in concurrence with the Secretary of State and the Attorney General of the United States:
 This endorsement modifies insurance provided under the following:
 - 1) to be an act of terrorism;
 - 2) to be a violent act or an act that is dangerous to human life, property, or infrastructure;
 - 3) to have resulted in damage: COMPREHENSIVE ALL RISK FORM C-AR-GC
 - a) within the United States; or
 - b) to an air carrier (as defined in section 40102 of title 49, United States Code); to a United States flag vessel (or a vessel based principally in the United States, on which United States income tax is paid and whose insurance coverage is subject to regulation in the United States), regardless of where the loss occurs; or at the premises of any United States mission; and
- 4) to have been

A. Cap On Certified Terrorism Losses

"Certified act of terrorism" means an act that is certified by the Secretary of the Treasury, in concurrence with the Secretary of State and the Attorney General of the United States, to be an act of terrorism pursuant to the federal Terrorism Risk Insurance Act. The criteria contained in the Terrorism Risk Insurance Act for a "certified act of terrorism" include the following:

- 1. The act resulted in insured losses in excess of \$5 million in the aggregate, attributable to all types of insurance subject to the Terrorism Risk Insurance Act; and
- 2. The act is a violent act or an act that is dangerous to human life, property or infrastructure and is committed by an individual or individuals acting on behalf of any foreign person or foreign interest, as part of an effort to coerce the civilian population of the United States or to influence

the policy or affect the conduct of the United States Government by coercion.

 "Certified terrorism loss" means loss that results from a "certified act of terrorism".

2. The "terms" of any terrorism exclusion that is part of or that is attached to this Coverage Part are amended by the following provision:

This exclusion does not apply

If aggregate insured losses attributable to
"certified terrorism loss".

3. The following provision is added.



If the Secretary of the Treasury determines that the amount of "terrorist acts certified terrorism loss" has exceeded the maximum annual liability as set forth by the Federal Terrorism Risk Insurance Act of 2002 or any amendments thereto, "under the Terrorism Risk Insurance Act exceed \$100 billion in a Program Year (Janu-ary 1 through December 31) and we" will not pay for any portion of "certified terrorism loss" that exceeds have met our insurer deductible under the maximum annual liability.

4. The following provisions are added.

a. Neither Terrorism Risk Insur-ance Act, we shall not be liable for the "terms" of this endorsement nor the "terms" of any other terrorism endorsement attached payment of any portion of the amount of such losses that exceeds \$100 billion, and in such case insured losses up to this Coverage Part provide coverage for any loss that would otherwise be excluded by this Coverage Part under:that amount are subject to pro rata allocation in

<u>accordance with procedures estab-lished by the Secretary of the Treasury.</u>

B. 1) exclusions that address war, military action Application Of Exclusions

The terms and limitations of any terrorism exclu-sion, or nuclear hazard;the inapplicability or

- 2) any other omission of a terror-ism exclusion; and
- the absence of any other terrorism

 endersement does, do not implyserve to
 create coverage for any loss thatwhich would otherwise be excluded by under this
 Coverage Part under:
- 1) exclusions that address war, military action, or nuclear hazard; Policy, such as losses excluded by the Nuclear Hazard Exclusion or the War And Military Action Exclusion.
 - 2) any other exclusion.

SHPR 02 007 (12-02)

EXCLUSION OF CERTIFIED ACTS OF TERRORISM

This endorsement modifies insurance provided under the following:

COMPREHENSIVE ALL RISK FORM C-AR-GC

SCHEDULE

The **Exception Covering Certain Fire Losses** (Paragraph **C)** applies to property located in the following state(s), if covered under the indicated Coverage Form, Coverage Part or Policy:

State(s)	Coverage Form, Coverage Part Or Policy
Applicable to current Standard Fire Policy States at time of loss	
Information required to complete this Schedule, if not sho	own above, will be shown in the Declarations.

A. The following definition is added with respect to the provisions of this endorsement:

"Certified act of terrorism" means an act that is certified by the Secretary of the Treasury, in concurrence with the Secretary of State and the Attorney General of the United States, to be an act of terrorism pursuant to the federal Terrorism Risk Insurance Act. The criteria contained in the Terrorism Risk Insurance Act for a "certified act of terrorism" include the following:

- The act resulted in insured losses in excess of \$5 million in the aggregate, attributable to all types of insurance subject to the Terrorism Risk Insurance Act; and
- 2. The act is a violent act or an act that is dangerous to human life, property or infrastructure and is committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

B. The following exclusion is added:

CERTIFIED ACT OF TERRORISM EXCLUSION

We will not pay for loss or damage caused directly or indirectly by a "certified act of terrorism". Such loss or damage is excluded regardless of any other cause or event that contributes concurrently or in any sequence to the loss.

C. Exception Covering Certain Fire Losses

The following exception to the exclusion in Paragraph **B.** applies only if indicated and as indicated in the Schedule of this endorsement.

If a "certified act of terrorism" results in fire, we will pay for the loss or damage caused by that fire. Such coverage for fire applies only to direct loss or damage by fire to Covered Property. Therefore, for example, the coverage does not apply to insurance provided under Business Income and/or Extra Expense coverage forms or endorsements which apply to those forms, or to the Legal Liability Coverage Form or the Leasehold Interest Coverage Form.

If aggregate insured losses attributable to terrorist acts certified under the Terrorism Risk Insurance Act exceed \$100 billion in a Program Year (January 1 through December 31) and we have met our insurer deductible under the Terrorism Risk Insurance Act, we shall not be liable for the payment of any portion of the amount of such losses that exceeds \$100 billion, and in such case insured losses up to that amount are subject to pro rata allocation in accordance with procedures established by the Secretary of the Treasury.

D. Application Of Other Exclusions

The terms and limitations of any terrorism exclusion, or the inapplicability or omission of a terrorism exclusion, do not serve to create coverage for any loss which would otherwise be excluded under this Coverage Part or Policy, such as losses excluded by the Nuclear Hazard Exclusion or the War And Military Action Exclusion.

THIS ENDORSEMENT IS ATTACHED TO AND MADE PART OF YOUR POLICY IN RESPONSE TO THE DISCLOSURE REQUIREMENTS OF THE TERRORISM RISK INSURANCE ACT. THIS ENDORSEMENT DOES NOT GRANT ANY COVERAGE OR CHANGE THE TERMS AND CONDITIONS OF ANY COVERAGE UNDER THE POLICY.

DISCLOSURE PURSUANT TO TERRORISM RISK INSURANCE ACT

SCHEDULE

Terrorism Premium (Certified Acts) \$ This premium is the total Certified Acts premium attributable to the following Coverage Part(s), Coverage Form(s) and/or Policy(s):
Additional information, if any, concerning the terrorism premium:

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. Disclosure Of Premium

In accordance with the federal Terrorism Risk Insurance Act, we are required to provide you with a notice disclosing the portion of your premium, if any, attributable to coverage for terrorist acts certified under the Terrorism Risk Insurance Act. The portion of your premium attributable to such coverage is shown in the Schedule of this endorsement or in the policy Declarations.

B. Disclosure Of Federal Participation In Payment Of Terrorism Losses

The United States Government, Department of the Treasury, will pay a share of terrorism losses insured under the federal program. The federal share equals 85% of that portion of the amount of such insured losses that exceeds the applicable insurer retention. However, if aggregate insured losses attributable to terrorist acts certified under the Terrorism Risk Insurance Act exceed \$100 billion in a Program Year (January 1 through December 31), the Treasury shall not make any payment for any portion of the amount of such losses that exceeds \$100 billion.

C. Cap On Insurer Participation In Payment Of Terrorism Losses

If aggregate insured losses attributable to terrorist acts certified under the Terrorism Risk Insurance Act exceed \$100 billion in a Program Year (January 1 through December 31) and we have met our insurer deductible under the Terrorism Risk Insurance Act, we shall not be liable for the payment of any portion of the amount of such losses that exceeds \$100 billion, and in such case insured losses up to that amount are subject to pro rata allocation in accordance with procedures established by the Secretary of the Treasury.

AMENDMENT – DELETE PROVISIONS REGARDING CERTAIN ACTS OF TERRORISM (APPLICABLE TO CRIME/FIDELITY ONLY)

This endorsement modifies insurance provided under the following:

COMPREHENSIVE ALL RISK FORM C-AR-GC

Any endorsement in this policy that refers to "certified act(s) of terrorism" and/or "other act(s) of terrorism" is hereby amended to the effect that such endorsement does not apply to the Commercial Crime Coverage Form, Government Crime Coverage Form, or Kidnap/Ransom And Extortion Coverage Form.

The inapplicability or omission of a terrorism exclusion does not serve to create coverage for any loss or damage that would otherwise be excluded under this Coverage Form, such as losses excluded by the Nuclear Hazard Exclusion or the War And Military Action Exclusion.

Company Tracking Number: 08-HPR-9003F

TOI: 05.1 Commercial Multi-Peril - Non-Liability Sub-TOI: 05.1000 CMP Sub-TOI Combinations

Portion Only

Product Name: Highly Protected Risks

Project Name/Number: TRIPRA Endorsements and Rules/08-HPR-9003f

Rate Information

Rate data does NOT apply to filing.

Company Tracking Number: 08-HPR-9003F

TOI: 05.1 Commercial Multi-Peril - Non-Liability Sub-TOI: 05.1000 CMP Sub-TOI Combinations

Portion Only

Product Name: Highly Protected Risks

Project Name/Number: TRIPRA Endorsements and Rules/08-HPR-9003f

Supporting Document Schedules

Review Status:

Satisfied -Name: Uniform Transmittal Document- Approved 04/07/2008

Property & Casualty

Comments:

Attachment:

TRIAExpeditedFilingForm FORM.pdf

EXPEDITED FILING TRANSMITTAL DOCUMENT FOR TERRORISM RISK INSURANCE FORMS AND PRICING

This page applies to the following state(s) <u>ARKANSAS</u>

Indicate Type of Filing
Filing Related to Certified Losses ث
Filing Related to Non-Certified Losses ث
X Filing Applicable to Both Certified and Non-Certified Losses

Department Use only		

Company Name(s)	Domicile	NAIC #	FEIN#
Sompo Japan Insurance Company of America	New York	3219-11129	13-2554270

Contact Info for Filer

Name and address of Filer(s)	Telephone #	FAX#	e-mail
Mary Lynn Teel, State Filings Analyst	704-759-2158	704-759-2542	mteel@sompo-japan-us.com
13850 Ballantyne Corporate Place Suite 200			
Charlotte, NC 28277-2711			

Filing information

1 milg mormation	
Line of Insurance (see attachment)	Commercial Multiple Peril (non-liability Portion)
Company Program Title (Marketing	Commercial Lines – Highly Protected Risks Program
title) (if applicable)	
Filing Type ** see note below	Endorsement
This application is used with:	Highly Protected Risks Program
Effective Date Requested	Earliest
Filing date	03/31/2008
Company Tracking Number	08-HPR-9003f
Date filing approved in domiciliary	N/A
state, if applicable	

	Component/Form Name /Description/Synopsis	Form # or Rate Page Include edition date	Replacement Or withdrawn?	If replacement, give form # or rate page(s) it replaces	Previous State Filing Number, if required by state
01	Cap On Losses From Certified Acts of Terrorism	SHPR 02 007 (01-2008 ed.)	[X] Replacement [] Withdrawn [] Neither	SHPR 02 007 (1202)	N/A
02	Exclusion of Certified Acts of Terrorism	SHPR 02 009 (01-2008 ed.)	[X] Replacement [] Withdrawn [] Neither	SHPR 02 009 (1202)	N/A
03	Disclosure Pursuant To Terrorism Risk Insurance Act	SHPR 02 059 (01-2008 ed.)	[] Replacement [] Withdrawn [X] Neither	N/A	N/A
04	Amendment – Delete Provisions Regarding Certain Acts of Terrorism (Applicable to Crime/Fidelity Only)	SHPR 02 061 (01-2008 ed.)	[] Replacement [] Withdrawn [X] Neither	N/A	N/A

To be complete, a filing must include the following:

- A completed Expedited Filing Transmittal Document for each insurer or advisory organization.
- One copy of each endorsement, disclosure form or other policy language, unless the insurer has given an advisory organization authorization to file them on its behalf.
- A copy of the rates, rating systems and supporting documentation.
- The appropriate filing fees, if required
- A postage-paid, self-addressed envelope large enough to accommodate the return.

The insurer(s) submitting this filing certifies that it:

- X Is in compliance with the terms of the Terrorism Risk Insurance Act, as amended, and the laws of this state; and
- X Is in compliance with the requirements of the bulletin containing the voluntary expedited filing procedures.

	Print Name: Mary Lynn Teel	Title: State Filings Analyst
Signature	· · · · · · · · · · · · · · · · · · ·	